

REMARKS

Claims 1-11 and 14-20 are pending in the instant application after this amendment cancels claim 13. Claims 9 and 14-20 have been withdrawn by the Examiner. In view of the amendments and the following remarks, reconsideration and allowance of the instant application are respectfully requested.

Claims 1-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5, 995,346 to Schick et al. (hereinafter referred to as Schick) in view of Japanese Patent Publication No. 11-120740 to Ohira (hereinafter referred to as Ohira). Applicants respectfully traverse.

Claim 1 relates to a disk cartridge that includes a cartridge main body and a round plate-shaped disk rotatably housed within the cartridge main body. In the disk cartridge according to claim 1, the cartridge main body includes an opening facing the disk and a shutter which opens and closes the opening, and a part of the cartridge main body is formed in an approximately semicircular shape. In claim 1, the cartridge main body includes an electric terminal adapted to electrically couple the disk cartridge and a drive device when the disk cartridge is inserted in the drive device. Furthermore, in claim 1, *the drive device receives an electrical signal indicating the type of medium from the disk cartridge, and the drive device executes a process in accordance with the type of medium.*

The Examiner asserts that Schick discloses all of the features of claim 1 except the cartridge main body including an electric terminal adapted to electrically couple the disk cartridge and a drive device when the disk cartridge is inserted in the drive device, and the drive device receiving an electrical signal indicating the type of medium from the disk cartridge. The Examiner relies on Ohira as disclosing the feature of electrical terminals (Office Action page 4, 9-16; citing Ohira sections 0073-0077 and figure 5). However, there is no disclosure of "a type of the medium" in Ohira. Ohira apparently discloses a disk cartridge 1A which houses a disk 5 and has electronic circuitry 7 with terminals 3. When the disk cartridge is inserted into a regenerative apparatus 13 (Ohira Figure 7) or a rental management device 9 (Ohira Figure 5), information is apparently exchanged between them. This information may include a user ID number, utilization time, number of utilization, date and

hour of service, read-out time, and consumption time (Ohira sections 0073-0082). However, in the disk-cartridge rental management system of Ohira, information about *a type of a medium* is *not exchanged* between the disk cartridge and the external devices. This is particularly apparent in view of the fact that the disk to be housed within the disk cartridge in Ohira is not selected from a plurality of types of mediums. Rather, the disk cartridge of Ohira only houses a *predetermined* type of medium, in particular a CD, DVD, or magneto-optical disk. The disk cartridge in Ohira accomodates only one type of medium, which is predetermined, and the disk cartridge does not obtain or exchange information about the disk medium. Therefore, information about the type of disk medium is not transmitted from the disk cartridge to the external devices.

None of the references disclose or suggest the feature of the drive device receiving an electrical signal *indicating the type of medium from the disk cartridge*, and therefore for at least this reason claim 1 is allowable over the references, the combination of which is respectfully not conceded (see below).

Additionally, none of the references disclose or suggest the feature of *the drive device executing a process in accordance with the type of medium*. The specification of the present application indicates that "a medium to be housed within the cartridge main body can be selected from a plurality of types of mediums". In the embodiment of claim 1, the drive device receives an electrical signal indicating a type of a medium before executing some process as defined in claim 1. The Examiner cites only to figure 5 of Ohira in support of this feature (Office Action page 4, lines 15-16). However, figure 5 does not disclose a process of any type, and the accompanying description of figure 5 at most discloses the insertion of a disk cartridge in rental management equipment 9 (Ohira section 0089). Therefore, Ohira does not disclose or suggest the drive device executing a process in accordance with the type of medium, and for at least this additional reason claim 1 is allowable over the references.

The Examiner asserts that the motivation to provide the disk cartridge of Schick with the electric terminals of Ohira based on sections 0148 and 0149 of Ohira, and stating that the motivation is "to properly identify the type of medium." (Office Action page 4, bottom). However, Ohira does not disclose determining a type of medium, and therefore Ohira cannot

provide a motivation to combine the references based on this determination as a motivation. Furthermore, sections 0148 and 0149 of Ohira do not discuss determining a type of medium. These sections apparently discuss various effects of the disclosure in Ohira, including condition control means which control the playback conditions of a disk, and information management means to manage a user's activity information based on this condition. The only disk information apparently discussed in this section of Ohira include ID, utilization time, information on a disk cartridge. Therefore, the motivation to combine the references is improper and for at least this additional reason the rejection should be withdrawn.


Claims 2-8 depend from claim 1 and are therefore allowable for at least the same reasons as claim 1 is allowable.

Independent claim 10 includes features similar to those discussed above in regard to claim 1. In particular, independent claim 10 includes the feature "the cartridge main body includes an electric terminal which transmits an electronic signal to an external device, so as to transmit the electronic signal indicating the type of the medium from the electric terminal to the external device". Therefore claim 10 has in common with claim 1 the feature of defining "the type of the medium". Therefore for at least the same reasons as claim 1 is allowable, claim 10 is allowable. Claim 11 depends from claim 10 and is therefore allowable for at least the same reasons as claim 10 is allowable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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